

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 10/626,633  
Atty. Docket No. Q75566

### **REMARKS**

Claims 13-16 are all the claims pending in the application.

#### **Examiner Interview**

Applicant's representative conducted a telephone interview with the Examiner on December 14, 2006 and thanks the Examiner for the courtesies extended at that time. During the interview, the Examiner stated that including "configured to" language would give weight to the functional recitations of the claims. The differences between the claims and the prior art as well as the objection to claim 16 were also discussed. Further details of the interview are discussed below.

#### **Claim Objections**

Claim 16 stands objected to because of an informality. Applicants have amended claim 16 in a manner believed to overcome the rejection. The Examiner indicated that the amendment to claim 16 would overcome the objection during the interview.

#### **Claim Rejections**

Claims 13-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Novacek (U.S. Patent No. 5,360,404). Applicant's respectfully traverse.

Applicant has added the "configured to" language suggested by the Examiner. Accordingly, Applicant submits that the functional language is a clear claim limitation which should be given weight.

Claim 13 recites that the cap is configured to be removably applied onto the hollow body. The hollow body and the cap have sides configured such that torsionally coupling the protection cap and the hollow body in a second direction provides axial disengagement of the cap relative to the cannula when a predetermined torque is reached. For example, the non-limiting embodiment of Fig. 1 includes a cap 2 and a cannula 1. When the cap 2 is rotated in a first direction, flat sides of teeth 12 contact the flat sides of the opposing teeth 9 of the cannula 1. Since the flat sides meet, torque is transferred from the cap to the cannula 1 to rotate the cannula 1 and unscrew the female leuer lock 5. However, when the cap 2 is rotated in a second direction, the angled sides of teeth 12 meet the angled sides of teeth 9. Thus, after a certain torque is reached, the angled sides of the teeth 12 slide up the angled sides of teeth 9 causing the cap 2 to axially disengage from the cannula 1.

When the cap 20 in Novacek is rotated in a first direction, ratchet teeth 140 and 142 engage one another to transfer torque to the cannula 18. However, in contrast to the claimed invention, when the device of Novacek is rotated in a second direction, the cap 20 does not axially disengage from the cannula 18. Instead, the teeth 140, 142 merely ratchet relative to one another (*i.e.*, they rotate with respect to one another, but there is not relative axial motion; *see* column 10, lines 40-48). Thus, while the claimed invention is configured such that rotation in a second direction causes axial disengagement of the cap from the cannula, rotation in a second direction in Novacek causes only rotary ratcheting, not axial disengagement.

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Accordingly, claim 13 is allowable over Novacek. Claims 14-16 depend from claim 13 and are allowable at least by virtue of their dependency.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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